

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OUR WICKED LADY, LLC (d/b/a “Our Wicked Lady”) *et al.*,

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York; STATE OF NEW YORK; BILL de BLASIO, in his official capacity as Mayor of New York City; and THE CITY OF NEW YORK,

Defendants.

**NOTICE OF CROSS-MOTION
TO DISMISS THE COMPLAINT**

Civil Action No.: 21-CV-165 (DLC)

PLEASE TAKE NOTICE that upon the annexed Declaration of Samantha Schonfeld dated February 23, 2021, Memorandum of Law in support of this cross-motion, and the pleadings herein, Defendants Mayor Bill de Blasio in his official capacity as Mayor of New York City and the City of New York, will cross-move before this Court before the Honorable Denise L. Cote, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 18B, on a date and time to be determined by the Court for an order dismissing the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a cause of action, together with such other and further relief as the Court deems just, fair and equitable.

PLEASE TAKE FURTHER NOTICE that pursuant to Order of this Court dated February 22, 2021, any papers filed in opposition to this cross-motion shall be filed on or before March 9, 2021, and any reply papers shall be filed on or before March 16, 2021.

Dated: New York, New York
February 23, 2021

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By: /s/
Kerri A. Devine
Samantha M. Schonfeld
Assistant Corporation Counsels

TO: Counsel of Record (By ECF)